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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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LEE & HAYES PLLC 601 W Riverside Avenue Suite 1400 SPOKANE, WA 99201			EXAMINER HUERTA, ALEXANDER Q	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/647,549

Applicant(s)

FEINLEIB, DAVID

Examiner

ALEXANDER Q. HUERTA

Art Unit

2427

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 05 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-8 and 10-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-8 and 10-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim 1-3, 5-8, 10-24 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-7, 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yen et al. (US Pat. 6,668,278), in view of Hidary et al. (US Pat. 5,774,644), and in further view of Brodsky (US Pat. 5,809,471), herein referenced as Yen, Hidary, and Brodsky, respectively.

Regarding **claim 1**, Yen discloses "a viewer computing unit (information receiver 110) having a processor, a program enhancement listener implemented as computer executable instructions stored on a computer-readable medium and executable on the processor (Col. 4 lines 26-35, Fig. 1) to direct the viewer computing unit to: receive supplemental data ..., wherein the received supplemental data relates to ... a closed captioning script" (Col. 3 lines 16-34, Col. 4 line 65-Col. 5 line 7, Col. 5 lines 40-50, Col.

11 lines 20-31, i.e. Yen teaches of a system that receives supplemental content, such as web links, provided in the closed-captioning script).

"initiating an enhancement action based upon the supplemental data to enhance the program as the video program is being played, wherein the enhancement action is performed without user interaction" (Col. 11 lines 42-57).

Yen fails to explicitly disclose "[receiving] supplemental data sent to a multicast address, wherein the received supplemental data relates to one or more key phrases of a closed captioning script".

Hidary teaches "[receiving] supplemental data sent to a multicast address" (Col. 7 lines 20-40, i.e. Hidary teaches that URL's are sent to a user's PC via multicasting connection). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of sending supplemental data to multicast address as taught by Hidary, to improve the information retrieval system of Yen for the predictable result of effectively sending a single supplemental data to a select group of people.

The combination of Yen and Hidary still fails to explicitly disclose that "the received supplemental data relates to one or more key phrases of a closed captioning script".

Brodsky discloses that "the received supplemental data relates to one or more key phrases of a closed captioning script" (Col. 1 lines 50-62, Col. 2 lines 20-41, Col. 5 lines 36-63, i.e. Brodsky teaches that keywords are extracted from the closed-captioning to develop a dictionary of keywords that can be used to request additional information). Thus, it would have been obvious to one of ordinary skill in the art to apply

the technique of receiving supplemental data that relates to one or more key phrases of a closed captioning script as taught by Brodsky, to improve the information retrieval system of Yen for the predictable result of enabling the user to quickly and efficiently retrieve supplemental information pertaining to the program they were watching.

Regarding **claim 2**, Yen discloses that "the enhancement action comprises activation of a hyperlink" (Col. 3 lines 16-34, Col. 5 lines 40-50, Col. 11 lines 20-32).

Regarding **claim 3**, Yen discloses that "the enhancement action comprises launching executable code" (Col. 3 lines 16-34, Col. 5 lines 40-50, Col. 11 lines 20-32, i.e. Yen teaches of activating a hyperlink to a website, which reads on "launching executable code").

Regarding **claim 5**, Yen discloses that "computer-executable instructions to direct the viewer computing unit to display the supplemental data concurrently with the primary content" (Col. 9 lines 27-50, Col. 11 lines 20-32, lines 42-57, i.e. the background and foreground elements determine if information items can or should be displayed simultaneously).

Regarding **claim 6**, Yen fails to explicitly "[presenting] the video program within a hypermedia document; and controlling placement of the video program within the hypermedia document using the supplemental data".

Hidary discloses "[presenting] the video program within a hypermedia document; and controlling placement of the video program within the hypermedia document using the supplemental data" (Col. 7 lines 10-29, i.e. teaches of a JAVA enabled browser that allows a computer to retrieve web pages from a video program. The retrieved web

pages are then synchronized with the video content). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of presenting a video program within a hypermedia document and controlling placement of the video program within the hypermedia document using the supplemental data as taught by Hidary, to improve the information retrieval system of Yen for the predictable result of providing the user with a more interactive experience while watching television by providing them with additional information corresponding to the program.

Regarding **claim 7**, Yen discloses "a viewer computing unit having a processor and a display" (Col. 4 lines 26-35, Fig. 1).

Yen fails to explicitly disclose "a hypermedia document stored on computer-readable medium and executable on the processor for graphical rendering on the display, the hypermedia document containing the program enhancement listener".

Hidary discloses "a hypermedia document stored on computer-readable medium and executable on the processor for graphical rendering on the display, the hypermedia document containing the program enhancement listener" (Col. 7 lines 10-29, i.e. teaches of a JAVA enabled browser that allows a computer to retrieve web pages from a video program. The retrieved web pages are then synchronized with the video content). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of storing a hypermedia document on computer-readable medium and executable on the processor for graphical rendering on the display, the hypermedia document containing the program enhancement listener as taught by Hidary, to improve the information retrieval system of Yen for the predictable result of providing the user

with a more interactive experience while watching television by providing them with additional information corresponding to the program.

Regarding **claim 16**, Yen discloses "means for receiving the supplemental data; means for inserting the supplemental data into the closed captioning script; and means for initiating an enhancement action based upon the supplemental data to enhance a video program as the video program is being played" (Col. 3 lines 16-34, Col. 11 lines 20-32).

Yen fails to explicitly disclose "means for relating one or more key phrases of a closed captioning to supplemental data; means for listening to a multicast address for the supplemental data"

Hidary teaches "means for listening to a multicast address for the supplemental data" (Col. 7 lines 20-40, i.e. Hidary teaches that URL's are sent to a user's PC via multicasting connection). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of listening to a multicast address for the supplemental data as taught by Hidary, to improve the information retrieval system of Yen for the predictable result of effectively sending a single supplemental data to a select group of people.

The combination of Yen and Hidary still fail to explicitly disclose "means for relating one or more key phrases of a closed captioning to supplemental data".

Brodsky discloses that "means for relating one or more key phrases of a closed captioning to supplemental data" (Col. 1 lines 50-62, Col. 2 lines 20-41, Col. 5 lines 36-63, i.e. Brodsky teaches that keywords are extracted from the closed-captioning to

develop a dictionary of keywords that can be used to request additional information). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of relating one or more key phrases of a closed captioning to supplemental data as taught by Brodsky, to improve the information retrieval system of Yen for the predictable result of enabling the user to quickly and efficiently retrieve supplemental information pertaining to the program they were watching.

Regarding **claims 17-20**, claims 17-20 are interpreted and thus rejected for the reasons set forth above in the rejection of claims 2-3, 5-6. Claim 2-3, 5-6 describe a viewer computing unit to receive supplemental data and claims 17-20 describe a system to also receive supplemental data. Thus, claims 17-20 are rejected.

Claims 8, 10-15, 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hidary et al. (US Pat. 5,774,644), in view of Brodsky (US Pat. 5,809,471), and in further view of Yen et al. (US Pat. 6,668,278).

Regarding **claim 8**, Hidary discloses "determining an insertion point for the supplemental content; sending the supplemental data to a multicast address; receiving supplemental data; initiating, at the determined insertion point, an enhancement action based upon the received supplemental data to enhance a video program as the video program is being played" (Col. 7 lines 10-40, Col. 7 line 65-Col. 8 line 4, i.e. Hidary teaches of URL's that are transmitting via a multicasting connection. The web pages referenced by the URL's are time stamped to be displayed when predetermined related video content is displayed).

Hidary fails to explicitly disclose "associating supplemental data with at least one key phrase of a closed captioning script by parsing the closed captioning script and; wherein the enhancement action is initiated without user interaction".

Brodsky discloses "associating supplemental data with at least one key phrase of a closed captioning script by parsing the closed captioning script" (Col. 1 lines 50-62, Col. 2 lines 20-41, Col. 5 lines 36-63, i.e. Brodsky teaches that keywords are extracted from the closed-captioning to develop a dictionary of keywords that can be used to request additional information). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of receiving supplemental data that relates to one or more key phrases of a closed captioning script as taught by Brodsky, to improve the enhanced video programming system of Hidary for the predictable result of enabling the user to quickly and efficiently retrieve supplemental information pertaining to the program they were watching.

The combination of Hidary and Brodsky still fail to explicitly disclose that "the enhancement action is initiated without user interaction".

Yen discloses that "the enhancement action is initiated without user interaction" (Col. 11 lines 42-57, i.e. Yen teaches that the foreground element can immediately begin displaying the information item). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of initiating an enhancement action without user interaction as taught by Yen, to improve the enhanced video programming system of Hidary for the predictable result of providing the viewer with the convenience of automatically displaying the supplemental information.

Regarding **claim 10**, Hidary discloses that "the supplemental data comprises a hyperlink to a target resource, and the initiating comprises activating the hyperlink to the target resource" (Col. 7 lines 20-30).

Regarding **claim 11**, Hidary discloses that "the supplemental data comprises executable code, and the initiating comprises launching the executable code" (Col. 7 lines 20-25, lines 54-60).

Regarding **claim 12**, Hidary discloses "displaying the supplemental data concurrently with the primary content" (Col. 7 lines 20-30, Col. 7 lines 65-Col. 8 line 4).

Regarding **claim 13**, Hidary discloses "presenting the video program within a hypermedia document; and controlling placement of the video program within the hypermedia document using the supplemental data" (Col. 7 lines 10-29, i.e. teaches of a JAVA enabled browser that allows a computer to retrieve web pages from a video program. The retrieved web pages are then synchronized with the video content).

Regarding **claim 14**, claim 14 is interpreted and thus rejected for the reasons set forth above in the rejection of claim 8. Claim 8 describes a method of receiving supplemental content and initiating an enhancement action and claim 14 describes a computer to perform the method. Thus, claim 14 is rejected.

Regarding **claim 15**, claim 15 is interpreted and thus rejected for the reasons set forth above in the rejection of claim 8. Claim 8 describes a method of receiving supplemental content and initiating an enhancement action and claim 15 describes computer-executable instruction for performing the step of the method. Thus, claim 15 is rejected.

Regarding **claim 21**, Hidary discloses "[multicasting] an enhancement action to a multicast address and a program enhancement listener configured to listen to the multicast address for the enhancement action an initiate an enhancement action based upon the supplemental data to enhance a video program as the video program is being played" (Col. 7 lines 10-40, Col. 7 line 65-Col. 8 line 4).

Hidary fails to explicitly disclose "a key phrase module configured to: identify one or more key phrases in a closed captioning script, associate supplemental data to the one or more key phrases identified from the closed captioning script, wherein the initiating the enhancement action is performed with requiring user interaction".

Brodsky discloses "a key phrase module configured to: identify one or more key phrases in a closed captioning script, associate supplemental data to the one or more key phrases identified from the closed captioning script" (Col. 1 lines 50-62, Col. 2 lines 20-41, Col. 5 lines 36-63, i.e. Brodsky teaches that keywords are extracted from the closed-captioning to develop a dictionary of keywords that can be used to request additional information). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of receiving supplemental data that relates to one or more key phrases of a closed captioning script as taught by Brodsky, to improve the enhanced video programming system of Hidary for the predictable result of enabling the user to quickly and efficiently retrieve supplemental information pertaining to the program they were watching.

The combination of Hidary and Brodsky still fail to explicitly disclose that "the initiating the enhancement action is performed with requiring user interaction".

Yen discloses that "the initiating the enhancement action is performed with requiring user interaction" (Col. 11 lines 42-57, i.e. Yen teaches that the foreground element can immediately begin displaying the information item). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of initiating an enhancement action without user interaction as taught by Yen, to improve the enhanced video programming system of Hidary for the predictable result of providing the viewer with the convenience of automatically displaying the supplemental information.

Regarding **claim 22**, Hidary discloses "that the program enhancement listener comprises a control embedded in a container" (Col. 7 lines 10-30, i.e. Merriam-Webster's Dictionary defines the word "embed" as to make something an integral part of. Therefore, the Java enabled browser 98 is an essential part of the client software 106, so that the receiving terminal can access the supplemental content on the web, which reads on claimed "control embedded in a container").

Regarding **claim 23**, Hidary discloses that "the program enhancement listener comprises a control embedded in an HTML page" (Col. 7 lines 10-30, i.e. Merriam-Webster's Dictionary defines the word "embed" as to make something an integral part of. Therefore, the Java enabled browser 98 is an essential part of the client software 106, so that the receiving terminal can access the supplemental content on the web).

Regarding **claim 24**, Hidary discloses that "the program enhancement listener comprises a control embedded in an application" (Col. 7 lines 10-30, i.e. Merriam-Webster's Dictionary defines the word "embed" as to make something an integral part

of. Therefore, the Java enabled browser 98 is an essential part of the client software 106, so that the receiving terminal can access the supplemental content on the web).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEXANDER Q. HUERTA whose telephone number is (571) 270-3582. The examiner can normally be reached on M-F(Alternate Fridays Off) 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alexander Q Huerta
Examiner
Art Unit 2427

November 14, 2008

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427